THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.21896 of 2004

Dated : 08.08.2007

Between:

S.Parijatha D/o S.Gattaiah

..... PETITIONER

And:

The Osmania University, Hyderabad,
Represented by its Registrar and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.21896 of 2004

ORDER:

Petitioner, who is a student of M.Sc., filed this writ petition questioning the action of the respondents in not permitting her to appear for the third semester examination of the said post graduate course scheduled to be held from 29.11.2004.

It is the case of the petitioner that she joined M.Sc., in the second respondent college during the academic year 2000-2001 and she stated to have completed two semesters of first year. But, she could not join in the third semester and on her representation, she was readmitted into the course in the third semester during the academic year 2004-2005, and she also paid the necessary fee for the second year also. Subsequently, on 26.11.2004 the second respondent has forwarded her

application form to the first respondent university to permit her to write the examination for the third semester, which was scheduled to commence from 27.11.2004. However, petitioner has not received any reply from the university and she was also not permitted to write the third semester of the second year examination. Hence, this writ petition.

The first respondent filed a counter-affidavit stating that as per the rules in vogue, a candidate admitted to postgraduate course will forfeit his/her seat and the admission stands cancelled if he/she fails to fulfill all the requirements for the award of degree within a period of four academic years from the date of admission. It is further stated that as the petitioner was admitted into the course during the academic year 2000-2001, she has to complete the said course by 2003-2004 and as she did not complete the same, she was not permitted to appear for the third semester examination.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

Admittedly, a candidate who is admitted into the postgraduate course in the first respondent university, shall compete the course within a period of four academic years and if the same is not completed, the University has every right to disallow such person from completing the course subsequently. But the case on hand is altogether different. It is true that the petitioner could not complete the course within the time frame, as per the rules fixed by the University. But, it is to be seen that petitioner was given readmission, on 31.08.2004, into the second year of M.Sc., by accepting the fee for the second year. The controller of examinations also has given a certificate on 26.07.2004 stating that the petitioner, with Hall ticket No.2001-42-208, has been promoted to third semester of second year. All these clearly establish that the said admission in the year 2001-2001 cannot be taken into consideration for permitting the petitioner to appear for the third semester. She was readmitted into the course only in the year 2004 and

I am of the considered opinion that she has to complete the said course within a period of four academic years from the date of readmission. Hence, it is clear that the said rule has no application to the case of the petitioner.

Further, by virtue of interim orders passed by this Court on 30.11.2004 in W.P.M.P.No.28713 of 2004, petitioner appeared for third and fourth semesters of second year, but the results of such examination was not declared. As the petitioner was eligible to appear for the examinations, definitely results of such examinations shall be declared.

For the foregoing reasons, this writ petition is allowed and the respondent-university is hereby directed to announce or declare the results of examinations of III and IV semesters of M.Sc., appeared by the petitioner, forthwith. There shall be no order as to costs.

sh 08.08.2007